IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO. 646 OF 2004
IN
WRIT PETITON NO. 2815 OF 2003

Mukand Kamgar Union and anr. ...Petitioners

Vs.

Mukand Limited ...Respondents

Mr. Susheel Mahadeshwara i/by R. Todankar for Petitoner.

Mr. C.U. Singh with Mr. R.N. Shah i/by Sanjay Udeshi for Respondent.

Mr. Umesh Shetty for Applicant in support.

CORAM : F.I. REBELLO,J.
DATED : DECEMBER 10, 2004

P.C.

. This is an application for intervention by the erstwhile employee of respondent No. 1. The Petitioner Union had filed petition before this court challenging the order granting permission for closure. In the course of the proceedings, consent terms were filed. By virtue of the consent terms, Union and the Management agreed that those of the workmen who had not accepted closure compensation would be paid benefit under the consent terms. The consent terms also records that the consent terms cover only parties whose names are annexed to the consent terms.

. The contention of the Applicant is that though

the closure compensation was forwarded to him, he had accepted the same under protest. It is therefore, submitted that he is also entitled to compensation like other workers who had not accepted closure. It is on this ground that he contends that he should be allowed to intervene in the present petition.

. The counsel for the Petitioner states that they are not supporting the case of the applicant intervenor.

. On the perusal of the orders of this court, it would be clear that the main relief has already been disposed of and the petition has been kept alive for limited purpose of distribution of the amounts in terms of the consent terms. The Petitioner at the highest could have intervened as member of the union if he was able to show that the said consent terms were obtained by fraud on the court and or such other act which would result in consent terms being rendered null and void. IN the instant case, there is no such allegation. The allegation is that he is entitled to benefits like other workmen whose case was represented by the Petitioner Union and that he is also entitled to the benefits in terms of consent terms. Once the union of which he was member, does not support the case of the Petitioner, it will not be possible for

this court to consider the order already passed or permit intervention in the present petition.

. At the highest if the Applicant intervenor is still aggrieved, it will be open to him to take steps in law which he may be entitled to for the redressal of his grievances, if any. With above observations, motion disposed of.

(F.I. REBELLO,J.)